

SENATE BILL 221

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2004 Regular Session
4r1996
CF 4lr0734

By: **Senators Exum, Britt, Currie, Giannetti, and Lawlah**
Introduced and read first time: January 28, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Wine Consumption - Continuing Care Retirement**
3 **Communities**

4 FOR the purpose of allowing, under certain circumstances, residents and their guests
5 in a continuing care retirement community in Prince George's County that holds
6 a Class C (on-sale) beer, wine and liquor license to consume wine not purchased
7 from the continuing care retirement community; and generally relating to
8 alcoholic beverages in Prince George's County.

9 BY repealing and reenacting, with amendments,
10 Article 2B - Alcoholic Beverages
11 Section 12-107(b)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 2B - Alcoholic Beverages**

17 12-107.

18 (b) (1) It shall be unlawful for any person to drink on the licensed premises
19 of any license holder any alcoholic beverages not purchased from the license holder on
20 said premises and not permitted by this article to be consumed on the premises; and
21 it shall be unlawful for any license holder to permit any person to drink any alcoholic
22 beverage not purchased from the said license holder on the premises covered by the
23 license which he holds and not permitted by this article to be consumed on the
24 premises.

25 (2) This subsection does not apply to special or temporary licenses in
26 Carroll County.

27 (3) This subsection does not apply to licenses issued under § 7-101(k) of
28 this article for a dance or social event:

- 1 (i) Advertised as being "bring your own" (BYO); or
- 2 (ii) Held on the premises of the licensee by a member or by a guest
- 3 of a member of the club, fire department, or other organization which is licensed.

4 (4) Paragraph (1) of this subsection does not apply in Howard County to

5 dances, weddings, fundraisers, or other social events held in a hall that is rented from

6 and is located on the premises of a veterans organization which is licensed under this

7 article. However, the veterans organization may not sell or otherwise provide

8 alcoholic beverages to the attendees of the dance, wedding, fundraiser, or other social

9 event.

10 (5) Notwithstanding any other provision of this article, paragraph (1) of

11 this subsection does not apply to a Class 4 limited winery which brings wine

12 manufactured on its licensed premises onto a retail licensed premises under the

13 following conditions:

14 (i) The product is being provided for a bona fide promotional

15 activity conducted by the limited winery, retail licensee, alcoholic beverages trade

16 association, or nonprofit organization;

17 (ii) A representative of the limited winery, or a trade association

18 representing Maryland wineries, is present at all times during the period of the

19 promotional activity;

20 (iii) Any unopened or partially consumed containers of wine are

21 removed from the retail licensed premises at the conclusion of the promotional

22 activity;

23 (iv) The limited winery or winery trade association complies with

24 any rules or regulations promulgated by the Comptroller pertaining to on-premise

25 promotions and product sampling; and

26 (v) The limited winery or winery trade association has the advance

27 written permission of the retail licensee to bring wine products on the retail licensed

28 premises for purposes of the promotional activity.

29 (6) This subsection does not apply to:

30 (i) Special licenses issued in St. Mary's County to any bona fide

31 religious, fraternal, civic, veterans, hospital, or charitable organization under §

32 7-101(r) of this article; or

33 (ii) A license issued in St. Mary's County that applies to an outdoor

34 motor sports facility that is located in Mechanicsville or Budds Creek.

35 (7) THIS SUBSECTION DOES NOT PREVENT RESIDENTS AND THEIR

36 GUESTS IN A CONTINUING CARE RETIREMENT COMMUNITY IN PRINCE GEORGE'S

37 COUNTY THAT HOLDS A CLASS C (ON-SALE) BEER, WINE AND LIQUOR LICENSE FROM

1 CONSUMING WINE NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT
2 COMMUNITY, IF:

3 (I) THE WINE IS CONSUMED WITH A MEAL IN THE DINING ROOM;
4 AND

5 (II) THE CONTINUING CARE RETIREMENT COMMUNITY:

6 1. IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE
7 CONTINUING CARE RETIREMENT OF PERSONS AT LEAST 60 YEARS OLD;

8 2. HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;

9 3. HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM
10 THE STATE DEPARTMENT OF AGING UNDER ARTICLE 70B, § 11 OF THE CODE; AND

11 4. PREPARES AND SERVES MEALS DURING REGULAR
12 OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 June 1, 2004.